

HOUSE BILL No. 2125

DIGEST OF INTRODUCED BILL

Citations Affected: IC 23-1.5-1-9; IC 25-1; IC 25-4-1-11; IC 25-28.5-1-2; IC 25-31-1; IC 25-31-2.

Synopsis: Registration of plumbing engineers. Establishes the qualifications for registration as a plumbing engineer. Adds a plumbing engineer as a member of the Indiana board of registration for professional engineers and requires the board to regulate plumbing engineers in Indiana.

Effective: Upon passage; July 1, 2001.

Cherry, Burton

January 17, 2001, read first time and referred to Committee on Public Policy, Ethics and Veterans Affairs.

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First Regular Session 112th General Assembly (2001)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2000 General Assembly.

HOUSE BILL No. 2125

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 23-1.5-1-9, AS AMENDED BY P.L.82-2000,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2001]: Sec. 9. "Licensing authority" means the following:

4 (1) In the case of an accounting professional, the Indiana state
5 board of public accountancy.

6 (2) In the case of an architectural professional, the board of
7 registration for architects and landscape architects.

8 (3) In the case of an engineering professional, the state board of
9 registration for professional engineers **and plumbing engineers**.

10 (4) In the case of an attorney, the Indiana supreme court.

11 (5) In the case of a health care professional who is:

12 (A) a chiropractor, the board of chiropractic examiners;

13 (B) a dentist, the state board of dentistry;

14 (C) a nurse, the Indiana state board of nursing;

15 (D) an optometrist, the Indiana optometry board;

16 (E) a pharmacist, the Indiana board of pharmacy;

17 (F) a physical therapist, the Indiana physical therapy



committee;

(G) a physician, the medical licensing board of Indiana;

(H) a podiatrist, the board of podiatric medicine;

(I) a psychologist, the state psychology board; or

(J) a speech-language pathologist, the speech-language pathology and audiology board.

(6) In the case of a veterinarian, the Indiana board of veterinary medical examiners.

(7) In the case of a land surveyor, the state board of registration for land surveyors.

(8) In the case of a real estate professional, the Indiana real estate commission.

SECTION 2. IC 25-1-2-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2.1. Rather than being issued annually, the following permits, licenses, certificates of registration, or evidences of authority granted by a state agency must be issued for a period of two (2) years or for the period specified in the article under which the permit, license, certificate of registration, or evidence of authority is issued if the period specified in the article is longer than two (2) years:

(1) Certified public accountants, public accountants, and accounting practitioners.

(2) Architects and landscape architects.

(3) Dry cleaners.

(4) Professional engineers.

(5) Land surveyors.

(6) Real estate brokers.

(7) Real estate agents.

(8) Security dealers' licenses issued by the securities commissioner.

(9) Dental hygienists.

(10) Dentists.

(11) Veterinarians.

(12) Physicians.

(13) Chiropractors.

(14) Physical therapists.

(15) Optometrists.

(16) Pharmacists and assistants, drugstores or pharmacies.

(17) Motels and mobile home park licenses.

(18) Nurses.

(19) Podiatrists.

(20) Occupational therapists and occupational therapy assistants.



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- (21) Respiratory care practitioners.
- (22) Social workers, marriage and family therapists, and mental health counselors.
- (23) Real estate appraiser licenses and certificates issued by the real estate appraiser licensure and certification board.
- (24) Wholesale legend drug distributors.
- (25) Physician assistants.
- (26) Dietitians.
- (27) Hypnotists.

(28) Plumbing engineers.

SECTION 3. IC 25-1-2-6, AS AMENDED BY P.L.82-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6. (a) As used in this section, "license" includes all occupational and professional licenses, registrations, permits, and certificates issued under the Indiana Code, and "licensee" includes all occupational and professional licensees, registrants, permittees, and certificate holders regulated under the Indiana Code.

(b) This section applies to the following entities that regulate occupations or professions under the Indiana Code:

- (1) Indiana board of accountancy.
- (2) Indiana grain buyers and warehouse licensing agency.
- (3) Indiana auctioneer commission.
- (4) Board of registration for architects and landscape architects.
- (5) State board of barber examiners.
- (6) State board of cosmetology examiners.
- (7) Medical licensing board of Indiana.
- (8) Secretary of state.
- (9) State board of dentistry.
- (10) State board of funeral and cemetery service.
- (11) Worker's compensation board of Indiana.
- (12) Indiana state board of health facility administrators.
- (13) Committee of hearing aid dealer examiners.
- (14) Indiana state board of nursing.
- (15) Indiana optometry board.
- (16) Indiana board of pharmacy.
- (17) Indiana plumbing commission.
- (18) Board of podiatric medicine.
- (19) Private detectives licensing board.
- (20) State board of registration for professional engineers **and plumbing engineers.**
- (21) Board of environmental health specialists.
- (22) State psychology board.



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- 1 (23) Indiana real estate commission.
- 2 (24) Speech-language pathology and audiology board.
- 3 (25) Department of natural resources.
- 4 (26) State boxing commission.
- 5 (27) Board of chiropractic examiners.
- 6 (28) Mining board.
- 7 (29) Indiana board of veterinary medical examiners.
- 8 (30) State department of health.
- 9 (31) Indiana physical therapy committee.
- 10 (32) Respiratory care committee.
- 11 (33) Occupational therapy committee.
- 12 (34) Social worker, marriage and family therapist, and mental
- 13 health counselor board.
- 14 (35) Real estate appraiser licensure and certification board.
- 15 (36) State board of registration for land surveyors.
- 16 (37) Physician assistant committee.
- 17 (38) Indiana dietitians certification board.
- 18 (39) Indiana hypnotist committee.
- 19 (40) Any other occupational or professional agency created after
- 20 June 30, 1981.

21 (c) Notwithstanding any other law, the entities included in
 22 subsection (b) shall send a notice of the upcoming expiration of a
 23 license to each licensee at least sixty (60) days prior to the expiration
 24 of the license. The notice must inform the licensee of the need to renew
 25 and the requirement of payment of the renewal fee. If this notice of
 26 expiration is not sent by the entity, the licensee is not subject to a
 27 sanction for failure to renew if, once notice is received from the entity,
 28 the license is renewed within forty-five (45) days of the receipt of the
 29 notice.

30 SECTION 4. IC 25-1-6-3, AS AMENDED BY P.L.82-2000,
 31 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 32 JULY 1, 2001]: Sec. 3. (a) There is established the Indiana professional
 33 licensing agency. The licensing agency shall perform all administrative
 34 functions, duties, and responsibilities assigned by law or rule to the
 35 executive director, secretary, or other statutory administrator of the
 36 following:

- 37 (1) Indiana board of accountancy (IC 25-2.1-2-1).
- 38 (2) Board of registration for architects and landscape architects
- 39 (IC 25-4-1-2).
- 40 (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- 41 (4) State board of barber examiners (IC 25-7-5-1).
- 42 (5) State boxing commission (IC 25-9-1).



- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of funeral and cemetery service (IC 25-15-9).
- (8) State board of registration for professional engineers **and plumbing engineers** (IC 25-31-1-3).
- (9) Indiana plumbing commission (IC 25-28.5-1-3).
- (10) Indiana real estate commission (IC 25-34.1).
- ~~(11) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).~~
- ~~(12)~~ **(11)** Real estate appraiser licensure and certification board (IC 25-34.1-8-1).
- ~~(13)~~ **(12)** Private detectives licensing board (IC 25-30-1-5.1).
- ~~(14)~~ **(13)** State board of registration for land surveyors (IC 25-21.5-2-1).

(b) Nothing in this chapter may be construed to give the licensing agency policy making authority, which remains with each board.

SECTION 5. IC 25-1-7-1, AS AMENDED BY P.L.82-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter:

"Board" means the appropriate agency listed in the definition of regulated occupation in this section.

"Director" refers to the director of the division of consumer protection.

"Division" refers to the division of consumer protection, office of the attorney general.

"Licensee" means a person who is:

- (1) licensed, certified, or registered by a board listed in this section; and
- (2) the subject of a complaint filed with the division.

"Person" means an individual, a partnership, a limited liability company, or a corporation.

"Regulated occupation" means an occupation in which a person is licensed, certified, or registered by one (1) of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2-1).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) Board of chiropractic examiners (IC 25-10-1).
- (7) State board of cosmetology examiners (IC 25-8-3-1).
- (8) State board of dentistry (IC 25-14-1).
- (9) State board of funeral and cemetery service (IC 25-15-9).



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(10) State board of registration for professional engineers **and plumbing engineers** (IC 25-31-1-3).

(11) Indiana state board of health facility administrators (IC 25-19-1).

(12) Medical licensing board of Indiana (IC 25-22.5-2).

(13) Indiana state board of nursing (IC 25-23-1).

(14) Indiana optometry board (IC 25-24).

(15) Indiana board of pharmacy (IC 25-26).

(16) Indiana plumbing commission (IC 25-28.5-1-3).

(17) Board of podiatric medicine (IC 25-29-2-1).

(18) Board of environmental health specialists (IC 25-32-1).

(19) State psychology board (IC 25-33).

(20) Speech-language pathology and audiology board (IC 25-35.6-2).

(21) Indiana real estate commission (IC 25-34.1-2).

(22) Indiana board of veterinary medical examiners (IC 15-5-1.1).

(23) Department of natural resources for purposes of licensing water well drillers under IC 25-39-3.

(24) Respiratory care committee (IC 25-34.5).

(25) Private detectives licensing board (IC 25-30-1-5.1).

(26) Occupational therapy committee (IC 25-23.5).

(27) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).

(28) Real estate appraiser licensure and certification board (IC 25-34.1-8).

(29) State board of registration for land surveyors (IC 25-21.5-2-1).

(30) Physician assistant committee (IC 25-27.5).

(31) Indiana athletic trainers board (IC 25-5.1-2-1).

(32) Indiana dietitians certification board (IC 25-14.5-2-1).

(33) Indiana hypnotist committee (IC 25-20.5-1-7).

(34) Indiana physical therapy committee (IC 25-27).

(35) Any other occupational or professional agency created after June 30, 1981.

SECTION 6. IC 25-1-8-1, AS AMENDED BY P.L.82-2000, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter, "board" means any of the following:

(1) Indiana board of accountancy (IC 25-2.1-2-1).

(2) Board of registration for architects and landscape architects (IC 25-4-1-2).

(3) Indiana auctioneer commission (IC 25-6.1-2-1).



- 1 (4) State board of barber examiners (IC 25-7-5-1).
- 2 (5) State boxing commission (IC 25-9-1).
- 3 (6) Board of chiropractic examiners (IC 25-10-1).
- 4 (7) State board of cosmetology examiners (IC 25-8-3-1).
- 5 (8) State board of dentistry (IC 25-14-1).
- 6 (9) State board of funeral and cemetery service (IC 25-15).
- 7 (10) State board of registration for professional engineers **and**
- 8 **plumbing engineers** (IC 25-31-1-3).
- 9 (11) Indiana state board of health facility administrators
- 10 (IC 25-19-1).
- 11 (12) Medical licensing board of Indiana (IC 25-22.5-2).
- 12 (13) Mining board (IC 22-10-1.5-2).
- 13 (14) Indiana state board of nursing (IC 25-23-1).
- 14 (15) Indiana optometry board (IC 25-24).
- 15 (16) Indiana board of pharmacy (IC 25-26).
- 16 (17) Indiana plumbing commission (IC 25-28.5-1-3).
- 17 (18) Board of environmental health specialists (IC 25-32-1).
- 18 (19) State psychology board (IC 25-33).
- 19 (20) Speech-language pathology and audiology board
- 20 (IC 25-35.6-2).
- 21 (21) Indiana real estate commission (IC 25-34.1-2-1).
- 22 (22) Indiana board of veterinary medical examiners
- 23 (IC 15-5-1.1-3).
- 24 (23) Department of insurance (IC 27-1).
- 25 (24) State police department (IC 10-1-1-1), for purposes of
- 26 certifying polygraph examiners under IC 25-30-2.
- 27 (25) Department of natural resources for purposes of licensing
- 28 water well drillers under IC 25-39-3.
- 29 (26) Private detectives licensing board (IC 25-30-1-5.1).
- 30 (27) Occupational therapy committee (IC 25-23.5-2-1).
- 31 (28) Social worker, marriage and family therapist, and mental
- 32 health counselor board (IC 25-23.6-2-1).
- 33 (29) Real estate appraiser licensure and certification board
- 34 (IC 25-34.1-8).
- 35 (30) State board of registration for land surveyors
- 36 (IC 25-21.5-2-1).
- 37 (31) Physician assistant committee (IC 25-27.5).
- 38 (32) Indiana athletic trainers board (IC 25-5.1-2-1).
- 39 (33) Board of podiatric medicine (IC 25-29-2-1).
- 40 (34) Indiana dietitians certification board (IC 25-14.5-2-1).
- 41 (35) Indiana physical therapy committee (IC 25-27).
- 42 (36) Any other occupational or professional agency created after

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June 30, 1981.

SECTION 7. IC 25-1-11-1, AS AMENDED BY P.L.82-2000, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. As used in this chapter, "board" means any of the following:

- (1) Indiana board of accountancy (IC 25-2.1-2-1).
- (2) Board of registration for architects and landscape architects (IC 25-4-1-2).
- (3) Indiana auctioneer commission (IC 25-6.1-2).
- (4) State board of barber examiners (IC 25-7-5-1).
- (5) State boxing commission (IC 25-9-1).
- (6) State board of cosmetology examiners (IC 25-8-3-1).
- (7) State board of registration of land surveyors (IC 25-21.5-2-1).
- (8) State board of funeral and cemetery service (IC 25-15-9).
- (9) State board of registration for professional engineers **and plumbing engineers** (IC 25-31-1-3).
- (10) Indiana plumbing commission (IC 25-28.5-1-3).
- (11) Indiana real estate commission (IC 25-34.1-2-1).
- ~~(12) Until July 1, 1996, Indiana State board of television and radio service examiners (IC 25-36-1-4).~~
- ~~(13)~~ **(12)** Real estate appraiser licensure certification board (IC 25-34.1-8).
- ~~(14)~~ **(13)** Private detectives licensing board (IC 25-30-1-5.1).

SECTION 8. IC 25-4-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 11. Any person licensed to practice architecture in this state, or registered as an architect under this chapter, shall be exempt from the provisions of any and all statutes in force in this state regulating the practice of engineering ~~provided further, that no provision of or plumbing engineering.~~ This chapter ~~shall~~ **does not** apply to or affect any individual, firm, limited liability company, or corporation registered as a professional engineer under provisions of IC 25-31-1 **or an individual registered as a plumbing engineer under the provisions of IC 25-31-2.** An engineer **or plumbing engineer**, however, who is registered under the laws of this state, and exempted from the provisions of this chapter, shall not use the designation "architect" in any form or manner unless and until he shall be registered under the provisions of this chapter.

SECTION 9. IC 25-28.5-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this chapter:

- (1) "Plumbing" means the practice of and the materials and fixtures



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used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following:

(A) Sanitary drainage or storm drainage facilities, the venting system, and the public or private water supply systems, within or adjacent to any building or structure.

(B) The practice and materials used in the installation, maintenance, extension, or alteration of the stormwater, liquid waste, or sewerage, and water supply systems of any premises to the private property line or to their connection with any point of public disposal or other acceptable terminal.

The term does not include the planning, designing, and installation of sanitation and water systems in vehicles commonly known as mobile homes, the drilling of wells, the installation of pumps, pressure tanks, and piping incidental to the drilling or repair of a well system, the sale or installation of water softening equipment and apparatuses and services of the same, or the business of manufacturing or selling plumbing fixtures; appliances, equipment, or hardware; the installation of automatic sprinklers, the overhead or underground water supplies or standpipes when connected to an automatic sprinkler system or to their related devices or appurtenances connecting thereto; nor does the term include the work referred to in section 32(i) of this chapter; nor does the term include the planning or design of water supply or sewage systems which would ordinarily be performed as "the practice of engineering", as defined in IC 25-31-1, **the practice of "plumbing engineering", as defined by IC 25-31-2**, or the "practice of architecture", as defined in IC 25-4-1.

(2) "Plumbing contractor" means any person who, for compensation, undertakes to, or submits a bid to, or does himself or by others, construct, repair, alter, remodel, add to, subtract from, or improve plumbing and who is responsible for substantially all the plumbing within the entire project, or one who fabricates units or plumbing substantially completed and ready for installation.

(3) "Journeyman plumber" means a person who engages or offers to engage in, as an occupation or trade, the construction, installation, alteration, maintenance, repair, remodeling, or removal and replacement of plumbing under the supervision, direction, and responsibility of a licensed plumbing contractor.

(4) "Maintenance man" means a person who is employed on a permanent basis to keep the premises of a business establishment in good repair.

(5) "Contracting" means, except as exempted in this chapter,

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engaging in a business as a contractor.

(6) "Person" means a natural person, except in the case of a plumbing contractor, in which case it may mean the partners or members of a partnership, limited partnership, or any form of unincorporated enterprise, owned by two (2) or more persons, and as applied to "corporation" in addition to the corporate entity means the officers or directors and employees thereof.

(7) "Commission" means the Indiana plumbing commission created by this chapter.

(8) "License" means a certificate issued by the commission established by this chapter which confers upon the holder the privilege to act as a plumbing contractor or a journeyman plumber as defined in this chapter.

(9) "Farmstead" means a farm dwelling together with other buildings, structures, equipment, piping, and other plumbing materials and supplies, located upon a parcel of real estate used primarily for agricultural purposes located outside the corporate limits of a municipality and not connected to a public water supply.

(10) "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-6.

(11) "Apprentice plumber" means an individual who:

(A) is learning the plumbing trade; and

(B) is under the direction and immediate supervision of a licensed plumbing contractor or a licensed journeyman plumber.

(12) "Registration" means the granting of a certificate by the commission that authorizes an individual to act as an apprentice plumber.

SECTION 10. IC 25-31-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. As used in this chapter:

(a) "Board" means the state board of registration for professional engineers **and plumbing engineers**.

(b) "Professional engineer" means an individual who, by reason of that individual's special knowledge of the mathematical and physical sciences and the principles and methods of engineering analysis and design which are acquired by education and practical experience, is qualified to engage in the practice of engineering as attested by that individual's registration as a professional engineer.

(c) "Engineering intern" means an individual who:

(1) is a graduate from an approved engineering curriculum of four

(4) years or more or who has acquired, through engineering education and experience in engineering work, knowledge and

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skill approximating that obtained by graduation in an approved engineering curriculum of four (4) years or more;

(2) has successfully passed an examination as prescribed in section 14 of this chapter; and

(3) has been issued by the board an appropriate certificate of enrollment as an engineering intern.

(d) **"Plumbing engineer" means an individual who is registered under IC 25-31-2 as a plumbing engineer.**

(e) **As used in this chapter, "plumbing systems" has the meaning set forth in IC 25-31-2-1.**

(f) "Practice of engineering" means any service or creative work that the adequate performance of requires engineering education, training, and experience in the application of special knowledge of the mathematical, physical, and engineering sciences to services or creative work that includes the following:

(1) Consultation.

(2) Investigation.

(3) Evaluation.

(4) Planning, including planning the use of land and water.

(5) The design of or the supervision of the design of engineering works and systems.

(6) Engineering surveys and studies or the supervision of engineering surveys and studies, including all surveying activities required to support the sound conception, planning, design, construction, maintenance, and operation of engineered projects, but not including the surveying of real property for the establishment of land boundaries, subdivisions, rights-of-way, easements, and the dependent or independent surveys or resurveys of the public land survey system.

(7) Evaluation of construction for the purpose of assuring compliance with specifications, plans, and designs, in connection with any public or private utilities, structures, buildings, machines, equipment, processes, work systems, or projects.

The term "practice of engineering" does not include the work ordinarily performed by persons who operate or maintain machinery or equipment.

(g) "Approved engineering curriculum" means an engineering curriculum of four (4) years or more that has been approved by the board. In approving the engineering curriculum, the board may take into consideration the standards of accreditation adopted by the Accreditation Board for Engineering and Technology.

(h) "Practice or offer to practice engineering" means the act of

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an individual or a business who by verbal claim, sign, advertisement, letterhead, card, telephone listing, or in any other way represents the individual or the business to be a professional engineer or who performs, or offers to perform, any acts or work involving the practice of engineering.

~~(g)~~ **(i)** "Licensing agency" means the Indiana professional licensing agency established under IC 25-1-6.

SECTION 11. IC 25-31-1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 3. (a) The state board of registration for professional engineers **and plumbing engineers** is created.

(b) The board consists of ~~seven (7)~~ **eight (8)** members, six (6) of whom shall be registered professional engineers.

(c) One (1) member shall be a plumbing engineer.

(d) One (1) member must be appointed to represent the general public who is:

- (1) a resident of this state; and
- (2) not associated with professional engineering other than as a consumer.

~~(d)~~ **(e)** All members of the board shall be appointed by the governor.

~~(e)~~ **(f)** Six (6) professional engineer members shall be appointed to the board and shall at the time of appointment consist of:

- (1) one (1) member from industry;
- (2) one (1) member from government;
- (3) one (1) member from education;
- (4) two (2) members from private practice; and
- (5) one (1) member at large.

~~(f)~~ **(g)** A person appointed as a professional engineer **or a plumbing engineer** member of the board must:

- (1) be a citizen of the United States;
- (2) have been a resident of this state for a period of at least five (5) years immediately before the time of the member's appointment;
- (3) be registered as a professional engineer **or a plumbing engineer** and must have been engaged in the lawful practice of engineering **or plumbing engineering** for at least twelve (12) years; and

(4) in the case of:

(A) a professional engineer, have been in responsible charge of engineering work or engineering teaching for at least five (5) years; **or**

(B) a plumbing engineer, have been responsible, under the



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**supervision of a professional engineer, for the planning
and design of plumbing systems for at least five (5) years.**

~~(g)~~ **(h)** Every member of the board shall be appointed for a term of four (4) years and shall serve until the member's successor is appointed and qualified.

~~(h)~~ **(i)** Every member of the board shall receive a certificate of appointment from the governor, and, before beginning the member's term of office, file with the secretary of the board a written oath or affirmation for the faithful discharge of the member's official duties.

~~(i)~~ **(j)** The governor may remove any member of the board at any time for incompetency, neglect of duty, or for unprofessional conduct.

~~(j)~~ **(k)** Any vacancy which may occur in the membership of the board, at any time, shall be filled by appointment by the governor for the unexpired term.

SECTION 12. IC 25-31-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 4. (a) The members of the board shall receive a salary per diem for each and every day, or part of a day, while they are in actual attendance of any meeting of the board, or while they are engaged in the performance of the official business of the board. The salary per diem is in addition to any allowance, prescribed by the laws of the state, for subsistence and travel within Indiana.

(b) Any member of the board, or the secretary of the board, may be authorized by the board to attend any engineering conference, or meeting, held outside of Indiana, the major purpose of the meeting being the consideration of problems directly associated with the registration of professional engineers **or plumbing engineers**. Any member of the board, in addition to any subsistence and travel allowance as prescribed by the laws of the state for travel outside of Indiana, shall receive a salary per diem for each and every day, or part of a day, while the board member is in actual attendance of any engineering conference or meeting held outside of Indiana, or while en route to and from the conference or meeting.

SECTION 13. IC 25-31-1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5. (a) The board shall hold in the city of Indianapolis at least two (2) regular meetings each year and special meetings as the board considers necessary. Regular and special meetings must be held at times and places as the rules of the board may provide. Notice of all meetings must be given according to IC 5-14-1.5.

(b) The board shall elect, annually, from its own members, a chairman and a vice chairman.



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(c) A quorum of the board consists of ~~four (4)~~ **five (5)** members and no official action of any meeting may be taken without at least ~~four (4)~~ **five (5)** votes being in accord.

(d) Suitable office quarters shall be provided by the state for the use of the board in the city of Indianapolis. This office may be shared with the state board of registration for land surveyors.

SECTION 14. IC 25-31-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 7. (a) The board shall enforce and administer the provisions of this chapter, and adopt rules, not inconsistent with the Constitution and laws of this state, as may be reasonably necessary for the proper performance of its duties and the regulations of the proceedings before it. The board shall adopt rules establishing standards for the competent practice of engineering **and plumbing engineering**. Any rulemaking by the board shall be in accordance with IC 4-22-2.

(b) The board shall adopt and have an official seal.

SECTION 15. IC 25-31-1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) A registration certificate:

(1) for a professional engineer **issued under this chapter; or**

(2) **for a plumbing engineer issued under IC 25-31-2;**

may be issued only to a natural person.

(b) A business, including a proprietorship, partnership, or corporation, doing business in Indiana may not practice or offer to practice engineering unless that practice is carried on under the responsible direction and supervision of a registered professional engineer who is a full-time employee of the business. All plans, sheets of designs, specifications, reports, studies, or other engineering documents that require certification and are prepared by the personnel of a business must carry the signature and seal of the registered professional engineer who is in responsible charge of the professional engineering work.

(c) **If a plumbing engineer is responsible for the planning and design of the plumbing systems, the following may carry the signature and seal of a plumbing engineer registered under IC 25-31-2 instead of the signature and seal of a registered professional engineer:**

(1) **Plans.**

(2) **Sheets of designs.**

(3) **Specifications.**

(4) **Reports.**

(5) **Studies.**



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(6) Other engineering documents for plumbing systems.

SECTION 16. IC 25-31-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. (a) An employee or a subordinate of any person who holds a certificate of registration under the provisions of this ~~chapter~~ **article** is exempt from the provisions of this ~~chapter~~ **article** if the practice of the employee or subordinate does not include responsible charge of design or supervision.

(b) This ~~chapter~~ **article** does not require registration for the purpose of practicing engineering **or plumbing engineering** by an individual or a business:

(1) on property owned or leased by that individual or business unless the engineering practice involves the public health or safety, or the health or safety of the employees of that individual or business;

(2) for the performance of engineering which relates solely to the design or fabrication of manufactured products; or

(3) that is registered as a landscape architect under IC 25-4-2 and while the individual or business is engaged in the practice of landscape architecture planning the use of land or water.

SECTION 17. IC 25-31-1-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 34. (a) This section does not apply to a job position filled by the department of environmental management.

(b) Unless a job position is filled by a professional engineer **or plumbing engineer**, the state or a political subdivision (as defined in IC 36-1-2-13) may not use the word "engineer" in the position's job title.

SECTION 18. IC 25-31-2 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]:

Chapter 2. Registration of Plumbing Engineers

Sec. 1. (a) This chapter does not restrict the practice of professional engineers, mechanical engineers, architects, structural engineers, civil engineers, landscape architects, or land surveyors in any way.

(b) This chapter does not authorize an individual to engage in the practice of:

(1) architecture (as defined in IC 25-4-1);

(2) land surveying (as defined in IC 25-21.5); or

(3) plumbing (as defined in IC 25-28.5).

(c) The definitions in this section apply throughout this chapter:



(1) "Board" refers to the board of registration for professional engineers and plumbing engineers established by IC 25-31-1-2.

(2) "Plumbing engineer" means an individual who by reason of the individual's knowledge of mathematical and physical sciences and methods of engineering analysis and design, which are acquired by education, training, and practical experience, is qualified to engage in the practice of plumbing engineering under the supervision of a professional engineer.

(3) "Plumbing engineering" means the practice of professional services, such as consultation, investigation, evaluation, research, planning, design, or supervision, in connection with the development and construction of plumbing systems under the supervision of a professional engineer. The term includes the evaluation of proposed construction for the purpose of assuring compliance with specifications, plans, designs, and local codes and regulations.

(4) "Plumbing systems" refers to any of the following:

(A) Domestic water supply and distribution.

(B) Domestic water heating and distribution.

(C) Water conditioning.

(D) Sanitary or storm water collection and distribution.

(E) Sanitary or storm water pretreatment.

(F) Industrial waste collection or pretreatment.

(G) Fuel supply, storage, and distribution systems.

(H) Compressed air, vacuum, laboratory gas, and medical gas systems.

(5) "Professional engineer" has the meaning set forth in IC 25-31-1-2.

(6) "Registrant" means a plumbing engineer registered under this chapter.

Sec. 2. (a) To qualify for registration as a plumbing engineer, an individual must do the following:

(1) Submit evidence satisfactory to the board showing that the applicant:

(A) is at least eighteen (18) years of age;

(B) has graduated from high school or earned a state of Indiana general educational development (GED) diploma;

(C) has not been:

(i) convicted of an act that would constitute a ground for disciplinary action under IC 25-1-11;

(ii) convicted of a crime that has a direct bearing on the

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applicant's ability to practice competently and fully; or
 (iii) the subject of a disciplinary or enforcement action
 by another state or local jurisdiction in connection with
 the practice of plumbing engineering or the development
 and construction of plumbing systems;

(D) has completed successfully:

(i) at least eight (8) years of diversified, actual, and
 practical experience in the practice of plumbing
 engineering; or

(ii) a combination of at least eight (8) years of experience
 and education, consisting of at least four (4) years of
 diversified, actual, and practical experience in the
 practice of plumbing engineering and up to four (4)
 years of a mechanical or plumbing engineering
 curriculum at a postsecondary educational institution;
 and

(E) is engaged in the practice of plumbing engineering at
 the time of the application.

(2) Verify the information submitted on the application form.

(3) Submit to the board a certificate issued by the American
 Society of Plumbing Engineers or other evidence satisfactory
 to the board establishing the applicant's competency to plan,
 design, specify, and supervise the installation of plumbing
 systems.

(4) Submit the name, address, and Indiana registration
 number of two (2) professional engineers who have personal
 knowledge of the applicant's knowledge and experience in the
 practice of plumbing engineering, at least one (1) of whom
 must serve as a sponsor for the applicant's application.

(5) Submit the name and address of three (3) persons, in
 addition to the professional engineers described in subdivision

(4), who can serve as references for the applicant.

(6) Pay the registration fee established by the board.

(b) An individual applying for registration as a plumbing
 engineer must apply on a form prescribed and provided by the
 board.

Sec. 3. (a) The requirements of this chapter may be waived for
 an individual who moves to Indiana from another jurisdiction and
 the individual may be granted a certificate of registration as a
 plumbing engineer, if the following requirements are met:

(1) The other jurisdiction grants the same privileges to
 registrants of Indiana.



(2) The individual is licensed, certified, or registered as a plumbing engineer in the other jurisdiction.

(3) The licensing, certification, or registration requirements of the other jurisdiction are substantially similar or exceed the requirements of this chapter.

(4) The individual states that the individual has studied, is familiar with, and will abide by this article and any rules adopted by the board under this article to the extent the provisions of this article and the board's rules pertain to the practice of plumbing engineering or plumbing engineers registered under this chapter.

(b) An applicant under this section must:

(1) apply on a form prescribed and provided by the board; and

(2) pay the applicable fee established by the board.

Sec. 4. (a) Except as provided in subsection (b), the board shall issue a certificate of registration to an applicant who meets the requirements of section 2 of this chapter or whose application has been accepted under section 3 of this chapter.

(b) The board may refuse to issue a certificate of registration if the board determines that the applicant has engaged in conduct that has a significant adverse effect on the applicant's fitness to practice plumbing engineering. In making the determination, the board may consider whether any of the following apply:

(1) The applicant has been convicted of a crime that, if committed in Indiana, would be a crime involving moral turpitude or a felony.

(2) The applicant made a materially false, misleading, deceptive, or fraudulent representation in the application or in information provided to the board.

(3) The applicant has engaged in conduct prohibited by this chapter.

(4) The applicant has had a license, registration, or certification as a plumbing engineer suspended, revoked, or denied, or has been refused renewal of a license, registration, or certification as a plumbing engineer in any state.

(c) In making a determination under subsection (b), the board shall consider the following:

(1) How recently the conduct occurred.

(2) The nature of the conduct and the context in which it occurred.

(3) Any other relevant conduct of the applicant.



(d) If the board refuses to issue a certificate of registration to an applicant, the board shall retain as an application fee any initial fee prescribed by the board and deposited with the board by the applicant.

Sec. 5. A certificate of registration for a plumbing engineer issued under this chapter expires two (2) years from the date of issuance.

Sec. 6. (a) An individual who applies to renew a certificate of registration as a plumbing engineer must:

(1) furnish evidence showing successful completion of the continuing education requirements under section 7 of this chapter;

(2) submit proof of current certification issued by the American Society of Plumbing Engineers or other evidence satisfactory to the board establishing the applicant's continuing competency to plan, design, specify, and supervise the installation of plumbing systems;

(3) verify that the individual's primary occupation is the practice of plumbing engineering by the submission of satisfactory proof of the individual's current employment; and

(4) pay the renewal fee established by the board.

(b) Renewal notices must be sent in accordance with IC 25-1-2-6(c).

(c) The renewal fee must be paid in accordance with IC 25-1-8-2(d).

Sec. 7. Before the end of each registration period, each registrant must complete the continuing education required by the board. This requirement may not exceed twenty-four (24) hours per registration period.

Sec. 8. (a) The board shall issue a certificate of registration to any applicant who, in the opinion of the board, has satisfactorily met all requirements of this chapter.

(b) A certificate of registration authorizes the practice of "plumbing engineering". The certificate must:

(1) show the full name of the registrant;

(2) bear a serial number and date; and

(3) be signed by each board member under the seal of the board.

(c) A certificate of registration issued by the board under this chapter is evidence that the individual named on the certificate is entitled to all the rights and privileges of a registered plumbing

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1 engineer from the date on the certificate until the certificate
2 expires or is suspended or revoked.

3 (d) The registrant shall display the registrant's certificate of
4 registration in a conspicuous place in the registrant's principal
5 office or place of business.

6 (e) Registration extends to the registrant the authority to use the
7 acronym "R.P.E." or "RPE", which stands for Registered
8 Plumbing Engineer.

9 Sec. 9. (a) A registered plumbing engineer has the authority to
10 use a seal of a design approved by the board bearing the
11 registrant's name, registration number, and the legend "Registered
12 Plumbing Engineer, State of Indiana".

13 (b) A registered plumbing engineer may apply the registrant's
14 seal to plans, specifications, studies, drawings, and reports for
15 plumbing systems. Applying the registrant's seal attests that:

16 (1) the work embodies the plumbing engineering work of the
17 registrant;

18 (2) the registrant or a subordinate employee supervised by the
19 registrant prepared the documents; and

20 (3) the work meets standards of acceptable plumbing
21 engineering practice.

22 In the case of engineering plans, "prepared" refers to the
23 registrant's control and direction of the plumbing engineering
24 work and design process.

25 (c) A registrant may use a seal only if the registrant's
26 registration is maintained. A person may not stamp or seal any
27 document with a seal after the certificate of the registrant named
28 on the seal has expired or has been suspended or revoked.

29 (d) The seal of a plumbing engineer attests only to the matters
30 listed in subsection (b) for plumbing engineering work and does not
31 take the place of a seal of a professional engineer, architect, or land
32 surveyor in circumstances where one of those seals is required.

33 Sec. 10. The state and all political subdivisions of the state shall:

34 (1) accept, on plans submitted for approval, the seal of a
35 plumbing engineer if the seal is applied to plans within the
36 scope of practice of plumbing engineering; and

37 (2) allow, in addition to the engagement of a professional
38 engineer, the engagement of a plumbing engineer to perform
39 work within the scope of the practice of plumbing
40 engineering.

41 Sec. 11. (a) The board may take disciplinary action against or
42 impose sanctions on a registrant under IC 25-1-11 for any of the

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following:

- (1) Violating any provision of this chapter or rules adopted by the board under this chapter.
 - (2) Making a false or misleading representation:
 - (A) in a registration or renewal application form; or
 - (B) in information provided to the board.
 - (3) Failing to pay any fees or fines required by this chapter.
 - (4) Communicating to the public false or misleading information about the registration held.
 - (5) Failing to complete the continuing education requirements established by the board.
 - (6) Failing to maintain or provide to the board evidence of current certification by the American Society of Plumbing Engineers or other evidence satisfactory to the board of registrant's competence as a plumbing engineer.
 - (7) Failing to maintain or provide to the board evidence of current employment as a plumbing engineer as the registrant's principal occupation.
 - (b) The procedures set forth in IC 4-21.5 govern the board's conduct of disciplinary hearings.
 - (c) An individual who:
 - (1) presents as the individual's own the certificate of registration of another;
 - (2) intentionally gives false or materially misleading information of any kind to the board or to a board member in connection with registration matters;
 - (3) impersonates another registrant;
 - (4) uses an expired, suspended, revoked, or otherwise restricted certificate of registration; or
 - (5) otherwise violates this chapter;
 commits a Class A misdemeanor.
 - (d) An individual who applies for a certificate of registration or a registrant who is aggrieved by an order or determination of the board is entitled to a judicial review under IC 4-21.5.
 - (e) The attorney general shall act as the legal adviser for the board and provide any legal assistance necessary to carry out this chapter.
- SECTION 19. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "board" refers to the state board of registration for professional engineers and plumbing engineers established by IC 25-31-1-3, as amended by this act.
- (b) Before July 1, 2001, the governor shall make the initial



1 appointment of a plumbing engineer under IC 25-31-1-3(c) to the
2 board.

3 (c) The initial term for the board member who is a plumbing
4 engineer begins July 1, 2001.

5 (d) An individual who does not meet the requirements of
6 IC 25-31-2-2, as added by this act, may be appointed to the board
7 under IC 25-31-1-3(c), as amended by this act, if the individual:

8 (1) meets the requirements of IC 25-31-2-2(a), as added by
9 this act, except for IC 25-31-2-2(a)(2) and IC 25-31-2-2(a)(6),
10 both as added by this act;

11 (2) has been engaged in the practice of plumbing engineering
12 in Indiana for at least five (5) years immediately preceding the
13 individual's appointment; and

14 (3) obtains a certificate of registration in accordance with
15 IC 25-31-2-2, as added by this act, not later than July 1, 2002.

16 (e) A board member appointed in accordance with subsection
17 (d) who does not obtain the requisite certificate of registration in
18 accordance with IC 25-31-2-2, as added by this act, on or before
19 July 1, 2002, shall be considered to have resigned from the board
20 on that date, and the governor shall fill the vacancy in accordance
21 with IC 25-31-1-3, as amended by this act.

22 (f) Not later than January 1, 2002, the board shall adopt rules
23 under IC 4-22-2 to carry out this act.

24 (g) This SECTION expires July 1, 2003.

25 SECTION 20. An emergency is declared for this act.

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